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RELATIVE TO

NOTICES OF DISEASES WHICH ENDANGER THE PUBLIC HEALTH;

DUTIES OF

HOUSEHOLDERS, PHYSICIANS

AND OTHERS.

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CIRCULAR

FROM THE

STATE BOARD OF HEALTH

OF MICHIGAN,

TO SUPERVISORS AND OTHER OFFICERS OF TOWNSHIPS

TO PRESIDENTS AND OTHER OFFICERS OF INCORPORATED VILLAGES,

AND TO MAYORS AND OTHER OFFICERS OF CITIES.

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CIRCULAR NO. 34,

Being a Modification of Circular No. 25, embodying one new law and one amended law on  
this subject.

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[ While this circular relates chiefly to the duty of giving notice of cases of diseases which endanger the public health and to the means of securing such notices, it is not to be supposed that the object of the law in requiring such a notice is secured merely by the giving of the notice. The board of health has duties to perform, immediately upon receipt of such a notice, in the way of taking measures to restrict the spread of the disease, which it is a great violation of public trust for it to neglect or postpone. Some of the duties of the local board and of the health officer, relative to the restriction and prevention of diseases, are treated in Circular 35 from the State Board of Health. ]



# HOUSEHOLDER'S AND PHYSICIAN'S NOTICES OF DISEASES WHICH ENDANGER THE PUBLIC HEALTH.

DUTIES OF SUPERVISORS OF TOWNSHIPS, PRESIDENTS OF INCORPORATED VILLAGES, MAYORS OF CITIES, AND OTHERS.

[CIRCULAR 34.]

OFFICE OF THE STATE BOARD OF HEALTH, }  
Lansing, Michigan, January, 1880. }

*To the Supervisor and all other Officers of Townships, the President and other Officers of Incorporated Villages, and to the Mayor and other Officers of Cities in Michigan:*

GENTLEMEN:—Your attention is respectfully asked to the laws in this State relative to the *reporting of diseases which endanger the public health*, and to some of the duties of householders and physicians, supervisors and other officers of townships, health officers of cities and villages, and of the prosecuting attorney in connection therewith. Sections 1734 and 1735 (sections 43 and 44 of chapter 46), compiled laws of Michigan, 1871, are as follows:—

(1734.) SEC. 43. Whenever any householder shall know that any person within his family is taken sick with the small-pox, or any other disease dangerous to the public health, he shall immediately give notice thereof to the Board of Health, or to the Health Officer of the township [city, or village\*] in which he resides; and if he shall refuse or neglect to give such notice, he shall forfeit a sum not exceeding one hundred dollars. Householders to give notice of disease; penalty for neglect.

(1735.) SEC. 44. Whenever any physician shall know that any person whom he is called to visit is infected with the small-pox, or any other disease dangerous to the public health, such physician shall immediately give notice thereof to the Board of Health, or Health Officer of the township [city, or village\*] in which such diseased person may be; and every physician who shall refuse or neglect to give such notice, shall forfeit, for each offense, a sum not less than fifty nor more than one hundred dollars. Penalty on physician neglecting to give notice.

The foregoing sections refer especially to officers of townships; but the legislature of 1879 so amended section 1740 (section 49 of chapter 46, C. L. 1871) as to make all the provisions of said chapter apply equally to the boards of health and the officers and inhabitants of cities and villages in this State; enjoining upon them the performance of all duties required by said chapter, and imposing like penalties or forfeitures for the non-performance of such duties, except in cases where the charters of such cities and villages contain provis-

\* See section 1740, compiled laws of 1871, as amended by Act No. 145, laws of 1879, printed herewith.

ious inconsistent therewith. The duty of giving notice of a case of a disease which endangers the public health is one clearly within the meaning of the law; and it therefore rests alike on inhabitants of cities, villages, and townships, and on all physicians practicing within the State. Section 1740, as amended by Act No. 145, laws of 1879, is as follows:—

**Board of Health** (1740.) SEC. 49. The mayor and aldermen of each incorporated city, and the president and council, or trustees of each incorporated village in this State, in which no board of health is organized under its charter, shall have and exercise all the powers and perform all the duties of a board of health as provided in this chapter, within the limits of the cities or villages, respectively, of which they are such officers. The provisions of this chapter, and the amendments thereto, shall, as far as applicable, apply to all cities and villages in this State, and all duties which are, by the provisions of this chapter, to be performed by the board of health of townships, or by the officers and inhabitants thereof, shall in like manner be performed by the board of health and the officers and inhabitants of such cities and villages, with a like penalty for the non-performance of such duties, excepting in cases where the charters of such cities and villages contain provisions inconsistent herewith.

**Duties of officers and inhabitants of cities and villages.**

In each of sections 1734 and 1735 a forfeiture is declared for neglect to comply with the requirements of the law. Act No. 157, laws of 1879, makes it the especial duty of the health officer of the city or village to give written notice to the prosecuting attorney of his county of every instance in which he may know or have good reason to believe that a penalty or forfeiture has been incurred by the neglect of any householder or physician in his city or village to give the notice required by law, of a case of disease dangerous to the public health. This act, omitting the title, is as follows:—

**Health officer to notify prosecuting attorney of all failures to report.** SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the health officer of each village and city in this State, whenever he shall know, or have good reason to believe that any penalty or forfeiture has been incurred within his city or village, by reason of neglect to comply with section one thousand seven hundred and thirty-four [1734] or section one thousand seven hundred and thirty-five [1735] of the compiled laws of eighteen hundred and seventy-one, forthwith to give notice thereof, in writing, to the prosecuting attorney of his county, which notice shall state, as near as may be, the time of such neglect, the name of the person incurring the penalty or forfeiture, and, as near as can be ascertained, the name or names of persons sick with a disease dangerous to the public health, and not reported as the law requires.

**What notice to state.**

The duty of the prosecuting attorney to prosecute, is specified in section 6855, compiled laws of 1871, printed on the next page.

As regards the execution of the law in townships, section 696 of the compiled laws of Michigan, 1871, provides that "The supervisor of each township shall prosecute, in the name of the people of this State, or otherwise, as may be necessary, for all penalties and forfeitures incurred within his township, and for which no other officer is specially directed to prosecute."

Sections 6852 and 6853 of the compiled laws of 1871, also relate to the duties of supervisors, and of all other township officers, concerning forfeitures; they are as follows:

**Duty of supervisors to prosecute.** (6852.) SEC. 12. It shall be the duty of every supervisor, whenever he shall know or have good reason to believe that any penalty or forfeiture has been incurred within his township, which shall be recoverable by action before a justice of the peace, according to the foregoing provisions of this chapter, forthwith to commence and prosecute a suit, in the name of the people of this State, for the recovery thereof.

**Duty of other township officers.** (6853.) SEC. 13. It shall be the duty of every other township officer, who shall know or have good reason to believe that any penalty or forfeiture has been incurred within his township, forthwith to give notice thereof to the supervisors.

It is thus plain that when a householder in any township, or a physician who treats a case in any township, does not comply with the requirements of



sections 1734 and 1735, by giving immediate notice of any disease dangerous to the public health, it becomes the duty of the supervisor of the township to prosecute him, "in the name of the people of this State," for the recovery of the forfeiture; and that in cities and villages the health officer, when he has reason to believe that a penalty or forfeiture has been incurred under the law quoted, must give notice thereof to the prosecuting attorney of his county, whose duty it is to prosecute, without delay, in all cases in which he has reason to believe that a penalty or forfeiture has been incurred by reason of the violation of sections 1734 and 1735 of the compiled laws. This duty of the prosecuting attorney is plainly stated in section 6855, compiled laws of 1871, as follows:—

(6855.) SEC. 15. In the cases mentioned in the last preceding section, and in all other cases where the prosecuting attorney shall know or have good reason to believe that a penalty or forfeiture has been incurred within his county, it shall be the duty of such prosecuting attorney, without delay, to prosecute for such penalty or forfeiture; and in all cases where any suit shall be instituted by the supervisor, as provided in this chapter, it shall be the duty of such prosecuting attorney, if requested by such supervisor, to attend to and conduct such suit on behalf of the plaintiffs. Duties of prosecuting attorney.

The manner of commencing such action is specified in the same chapter (Ch. 216) of the compiled laws, from which the sections just quoted are taken.

In nearly all cases, epidemics can now be prevented by intelligent and active boards of health, if such boards receive due and timely notice of the first case, and first appearance of subsequent cases of all communicable diseases. In the interests of life and health it is, therefore, important that the laws requiring prompt notice to be given of the occurrence of diseases which endanger the public health shall be strictly complied with.

There are other reasons why these diseases should always be reported and carefully recorded. If this is done, such records will in time make it possible to learn much concerning such diseases and their prevention, which cannot well be learned in any other way.

The present law intrusts the guardianship of the public health with the local board of health in each city, village, and township, and this local board of health is largely responsible for the spread of any communicable disease within the township, village, or city; because the board is supposed to have timely notice of every outbreak, and to act promptly for the restriction of any such disease. If the local board does not receive such notices, this is, in some degree, its own fault; because the law requires each member of the township board, whenever he shall "have good reason to believe" that a forfeiture has been incurred "forthwith to give notice" to the supervisor, and it is the duty of the supervisor "forthwith to commence and prosecute a suit;" and in cities and villages, the law requires the health officer to give notice of all such forfeitures to the prosecuting attorney, who is required by section 6855 to prosecute for every such offense.

But "prevention is better than cure," and a wise forethought, with a small outlay, employed in placing before the people the requirements of the law on this subject and the importance of compliance therewith, may save a much larger outlay in the prosecution of such cases, and especially may it save the great expense which would be required in combating a communicable disease if such disease should once get a start in the community.

It is, therefore, especially desirable that the local board take such action as will lead to a general understanding of this subject by the people of the locality. As one means to this end, this State Board of Health recommends that every local board have printed and freely distributed within its jurisdic-



tion, blanks for the use of householders and physicians in giving notice of diseases which endanger the public health, on which blanks shall be printed sections 1734 and 1735, with such references to the requirements of sections 6852, 6853 and 6855, compiled laws of 1871, and to acts Nos. 145 and 157, laws of 1879, as will show the people the necessity for compliance with the first named sections.\*

Such blank notices and sections of law may be distributed in various ways; but, in townships, if the supervisor distributes them at the time of making the assessment or at any other time, and calls attention to the fact that the law requires him to prosecute for non-compliance, it is believed that much good will result from the attention thus attracted to the subject, and that there will then be fewer occasions for the prosecutions which it is the duty of the supervisor to make if occasion requires. In cities and villages it is of still more importance that a thorough distribution shall be made in such manner as will attract the attention of people to this subject, and that the distribution should frequently be repeated.

Printed herewith is a form of Notice, recommended by this Board, having upon its back sections 1734 and 1735 and summary statements of sections 6852, 6853, and 6855, compiled laws of 1871, and acts Nos. 145 and 157, laws of 1879.

The first thorough distribution of these blank notices and sections of law throughout your jurisdiction will serve the very useful purpose of calling general attention to the subject, as will also public notices posted in conspicuous places; but in time the blanks may be mislaid; therefore, a constant supply of such notices should be provided for, from time to time, to be kept by the clerk and health officer, or even by each member of the local board of health, for distribution to physicians and householders whenever called for.

There should be no hesitation in enforcing this law when it is considered how important are the results in human progress which may be secured through a better knowledge of the diseases which endanger the public health, and how just is the demand which the law makes on householders and physicians that they give prompt warning of danger to their fellow beings. No humane person will refuse or neglect to warn a fellow-being of any danger, when by so doing the life of that fellow-being may be saved, and no other person's life endangered. Whenever we see a person unconsciously in danger, such as standing near a precipice, common sentiments of humanity dictate that we even incur risk to life in order to warn and save that person. In giving immediate notice of dangerous diseases, the householder or the physician does not risk life or limb, in many cases not even property, while the neglect to report may involve not only waste of property throughout the community by the losses which sickness always causes, but also may endanger the lives or future well-being of many neighbors and fellow-citizens.

Because of the importance of general compliance with this humane law, it is hoped that you will give this subject your earnest attention.

By direction of the State Board of Health,

Very respectfully,

HENRY B. BAKER, *Secretary.*

[Please preserve the circulars received from this office.]

\* In order to make it certain that the expenses attending the work of the township board of health shall be duly provided for and promptly met, it is respectfully suggested that at the next township meeting a sufficient amount of money be voted (as provided in Act No. 212, Laws of Michigan, 1875), "for defraying all proper charges and expenses" by the board of health, to include expenses for distribution of public notices, for record books and blanks, compensation of the health officer, etc.

[Form of Notice recommended by the State Board of Health for the use of Householdors and Physicians, in complying with sections 1734 and 1735, Compiled Laws of Michigan, 1871, and section 1740, C. L., 1871, as amended by Act No. 145, Laws of 1872. See over.]

To the Clerk or Health Officer of the\* ..... of ..... County of  
 ..... State of Michigan, as Clerk or Health Officer of the Board of Health:

SIR:—The following persons, within the jurisdiction of your Board, have been taken sick with “diseases dangerous to the public health.” †

NAMES OF PERSONS.	SEX.	AGE IN YEARS LAST BIRTHDAY.	NAME OF DISEASE.	TAKEN SICK.			WHETHER DIED, LIVING, OR RECOVERED.	DATE OF DEATH OR RECOVERY.		
				MONTH.	DAY.	YEAR.		MONTH.	DAY.	YEAR.
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

So far as known, the source.....of the contagious or infectious cause.....of the disease.....as follows: For case No. 1, it was.....

The residence of the sick persons above reported is as follows: Of case No. 1, it is at No.....  
 .....street.....; of case No. 2, it is.....

This Notice is given by.....

Dated at No.....street,....., 188....

\* Insert the word *city*, *village*, or *township*.

† Includes Measles, Whooping-cough, Diphtheria, Scarlet Fever, Typhus Fever, Typhoid Fever, Puerperal Fever, Erysipelas, Small-pox, Cholera, etc.



**Sections 1734 and 1735, Compiled Laws of Michigan, 1871, are as follows:—**

(1734.) SEC. 43. Whenever any householder shall know that any person within his family is taken sick with the small-pox, or any other disease dangerous to the public health, he shall immediately give notice thereof to the Board of Health, or to the Health Officer of the township [city, or village\*] in which he resides; and if he shall refuse or neglect to give such notice, he shall forfeit a sum not exceeding one hundred dollars.†

(1735.) SEC. 44. Whenever any physician shall know that any person whom he is called to visit is infected with the small-pox, or any other disease dangerous to the public health, such physician shall immediately give notice thereof to the Board of Health or Health Officer of the township [city, or village\*] in which such diseased person may be; and every physician who shall refuse or neglect to give such notice, shall forfeit, for each offense, a sum not less than fifty nor more than one hundred dollars.‡

\* See Section 1740, Compiled Laws, 1871, as amended by Act No. 145, Laws of 1879.

† Supervisors must prosecute for all such forfeitures; township officers must give notice to supervisor; prosecuting attorney to conduct suit if requested; see sections 6852, 6853, and 6855, Compiled Laws of Michigan, 1871. Health officers of villages and cities must notify prosecuting attorney of all violations of this section.—see act No. 157, Laws of 1879, the prosecuting attorney must prosecute for all such forfeitures incurred within his county,—see section 6855, Compiled Laws of 1871.

Notice of sickness of

Sick with

Reported by

Filed

[Blank Notices similar to this leaf may be obtained of W. S. George & Co., Lansing, Mich., for one dollar per hundred.]